

RESOLUTION NO. 93- 2

RESOLUTION ESTABLISHING A TIPPING/DISPOSAL  
FEE FOR THE BOONE COUNTY  
SOLID WASTE MANAGEMENT DISTRICT

WHEREAS, the Board of Directors of the Boone County Solid Waste Management District (hereinafter "Board") did, previously adopt on the 13th day of November, 1991, final disposal fees for said waste management district for the purposes of implementation of a solid waste district plan, which fees are no longer applicable and, by law, have expired and the provisions therefore repealed; and

WHEREAS, the Board desires to provide a source of funds to continue with the implementation of the district solid waste plan and therefore desires, after Public Hearing, as required by State law, to implement additional fees as set forth in I.C. 13-9.5-7-1, as provided by Public Law 13-1993, Sec. 31; and

WHEREAS, the Board, under the provisions of Indiana Home Rule, I.C. 36-1-3-1, has previously adopted terms and definitions associated with solid waste activities in the Boone County Solid Waste Management District under Resolution No. 93-1, on or about April 14, 1993, and to which the Board desires to impose the fees set forth herein, and which disposal activities are more fully defined in Resolution No. 93-1 adopted pursuant to extensive public hearings and input from the Board, and the Citizens Solid

Waste Advisory Committee to the Board as required under Indiana law; and

WHEREAS, the Board further desires to provide credit against the fee imposed under this resolution for those recoverable resources removed from the solid waste stream by the process of resource recovery as defined by Resolution No. 93-1.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY SOLID WASTE MANAGEMENT DISTRICT as follows:

Section 1. Purpose. This resolution shall have as its purpose to establish a disposal/tipping fee for the placement of solid waste, as defined in Resolution No. 93-1, within the district defined as the Boone County Solid Waste Management District.

Section 2. A disposal/tipping fee for the disposal of solid waste in a disposal facility located within the Boone County Solid Waste Management District, as defined by Resolution No. 93-1, is hereby imposed at the rate of Fifty Cents (\$.50) per ton, minimum, regardless of amounts less than One (1) ton disposed, and is hereby established.

Section 3. The owner or operator of a solid waste disposal facility located in the Boone County Solid Waste Management District shall be responsible, pursuant to Indiana law, for the collection of the disposal fees imposed under this resolution from those persons delivering solid waste to the solid waste disposal facility located within the district. The owner or operator of said disposal

facility may deduct an amount equal to One Percent (1%) of the fees collected and may retain this amount as compensation for collection and remittance of the fees to the District Controller.

**Section 4.** The remainder of the fees collected each month under this resolution shall be remitted to the Controller, as hereinafter designated, within ten (10) days after the last day of the month in which the disposal fees are collected by the owner/operator of the disposal facility.

**Section 5.** The owner or operator of a solid waste disposal facility within the district shall, at the time the collected fees are remitted, furnish to the Controller a collection report of said fees for the purpose of verifying the amount and type of solid waste disposed of, the amount of fees being collected, and the amount of recyclable material diverted from final disposal.

**Section 6.** The fees collected pursuant to this resolution shall be deposited to the Boone County District Solid Waste Management Fund. Funds collected pursuant to this resolution may be used for the purposes expressed by Indiana law for the payment of expenses of administering the solid waste fund and the payment of costs associated with the development and implementation of the district solid waste plan.

Funds remaining at the end of the district's fiscal year do not revert to the County General Fund or to any

other fund and may be invested in the same manner as other county funds. The interest which accrues from these investments shall be deposited in the Solid Waste Fund.

Section 7. The disposal fee imposed by the Board under this resolution does not apply to a person that:

- a) Generated the solid waste; and
- b) Disposes of the solid waste at a site that is:
  - 1) Owned by that person; and
  - 2) Limited, for purposes of the disposal of solid waste, to use by that person for the disposal of solid waste generated by that person.

Section 8. The owner or operator of a solid waste disposal facility within the district that collects the tipping/disposal fees imposed by this resolution and receives, on the average, less than Two Hundred (200) tons of solid waste each day; and does not have a scale suitable for weighing the solid waste material received at the disposal facility; may, in the alternative, determine the weight of the solid waste received for purposes of this resolution by conversion from the volume of the solid waste. The owner or operator shall apply the following conversion factors to determine the applicable charges:

- a) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.
- b) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.

**Section 9.** Resource/material recovery facilities operating within the district, and which are subject to the provisions of this resolution requiring the collection of a Fifty Cent (\$.50) per ton disposal fee, shall be entitled to credit for an amount equal to the accountable recyclable materials removed as part of the resource recovery operations conducted at their facility. That solid waste material delivered to the resource/material recovery facility, that is documented as recyclable material in the report submitted to the Controller, as hereinbefore required under Section 5 of this resolution, shall be entitled to a credit of the fee imposed, per ton, under this resolution, in the amount of Fifty Cents (\$.50) per ton. It shall be the responsibility of the owner/operator of the resource/material recovery facility to prove, to the satisfaction of the Board, that the credit claimed pursuant to the provisions of this section is proper. The owner/operator shall provide receipts, or other appropriate documentation that verify the reclamation or recycling of the materials, by tonnage, for which a credit is claimed pursuant to this section.

**Section 10.** The provisions of this resolution calling for imposition of a tipping/disposal fee shall apply uniformly to all public and private facilities located within the district as required by Indiana law.

**Section 11.** Failure by an owner or operator of a disposal facility located within the district, to provide proper and timely payment of the disposal fees called for within this resolution, or for other failure to comply with the conditions set forth in this resolution, shall result in the imposition of a penalty against said owner/operator, for failure to comply with the provisions of this resolution for which a fine may be imposed by the district board, not to exceed the maximum amount of Five Hundred Dollars (\$500.00), per day. Each day the offense continues shall constitute a separate offense subject to the provisions of this resolution.

**Section 12.** The office holder of the Boone County Auditor, shall be designated as the Controller for purposes of administering the funds outlined under Indiana law as called for under the provisions of I.C. 13-9.5-2-9.3. In addition, said Controller, as herein appointed, shall be responsible for following the duties described therein.

**Section 13.** This resolution shall take effect after the conducting of a Public Hearing and Public Notice as required by Indiana law, specifically I.C. 13-9.5-7-1(b).

ORDAINED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE  
BOONE COUNTY SOLID WASTE MANAGEMENT DISTRICT on the 11<sup>th</sup>  
day of AUGUST, 1993.

BOARD OF DIRECTORS  
OF THE BOONE COUNTY  
SOLID WASTE MANAGEMENT  
DISTRICT

BY Larry R. Frye  
LARRY R. FRYE,  
Chairman

BY Kenneth E. Roper  
KENNETH E. ROPER

BY James H. Acton  
JAMES H. ACTON

BY \_\_\_\_\_  
THELMA J. THEOBALD

BY Robert E. Guernsey  
ROBERT E. GUERNSEY

BY \_\_\_\_\_  
ROBERT E. DULL

BY \_\_\_\_\_  
ERIC D. HUNGATE